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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,834	01/15/2002	Tara Chand Singhal	11195-37	5902
7590 Tara Chand Singhal P.O. Box 5075 Torrance, CA 90510		09/19/2007	EXAMINER OYEBISI, OJO O	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/046,834

Applicant(s)

SINGHAL, TARA CHAND

Examiner

OJO O. OYEBISI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to the restriction requirement mailed on 05/31/07, the applicant has elected the invention of Group I (claims 1-20) with traverse. The applicant argues in substance that the restricted groups are all related to the same invention. Contrary to the applicant's assertion, the examiner maintains that the restricted groups each has separate utility and scope, and thus distinct from one another. The Restriction Requirement is hereby final and applicant's election of Group I (claims 1-20) is hereby acknowledged. Claims 1-20 are now pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al (US PAT: 6,587,835) in view of Linehan (US PAT: 6,327,578).

Re claims 1-5, 12, 13, 14. Treyz discloses a payment system between a customer and a merchant that facilitates a private and secure payment transaction to the merchant comprising: a central system; a portable wireless device; a merchant sales terminal; and a terminal identification tag with a display terminal identification; the central system, the portable wireless device and the merchant terminal on a global computer network (see col.17 line 60-col.18 line 45, see fig.10 and fig.14). Treyz does not explicitly disclose the central system pre-stores customer bankcard data, merchant terminal identification data, and is interfaced to directly by the wireless device communicating the merchant terminal identification data and a payment amount, thus bypassing the merchant point of sale system from receiving the customer bank card data for a payment transaction, wherein the terminal identification is used by the central system to forward a payment authorization notification to the merchant sales terminal. However, Linehan discloses the central system pre-stores customer bankcard data, merchant terminal identification data (i.e., issuer gateway, see col.4 line 24) and is interfaced to directly communicate the merchant terminal identification data and a payment amount, thus bypassing the merchant point of sale system from receiving the customer bank card data for a payment transaction, wherein the terminal identification is used by the central system to forward a payment authorization notification to the merchant sales terminal (see col.4 lines 10-65). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Treyz and Linehan to improve the overall performance in the payment process and to guarantee payment security.

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Re claim 9. Treyz further discloses, wherein the wireless device identification is a combination of a pre-programmed identification code and a customer entered card personal identification number (CPIN) (see col.18 lines 40-45).

Re claims 10, 11. Treyz further discloses, wherein the customer having a plurality of pre-stored account data in the central system, the customer entering the CPIN into the wireless device, identifying a specific account data to be used for a payment transaction (see fig.57, also see col.40 line 65-col.41 line 10, see col.17 line 60-col.18 line 15).

Re claim 15. Treyz further discloses, wherein, the central system maintaining a transaction database cataloging each payment transaction by a transaction reference, date, time, an authorization reference, payment amount, customer identification and merchant identification (i.e., financial transaction records, see col.66 lines 8-36).

3. Claims **6-7, 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Linehan, as applied to claim 1 supra, and further in view Lawlor.

Re claims 6-7, 8. Neither Treyz nor Linehan discloses, wherein the central system assembles a payment transaction record; including customer pre-stored bank account data, and submits the payment transaction record to an automated clearing house (ACH), and receives a payment authorization record and subsequently the central system sends the payment authorization record to the merchant display terminal using the terminal identification as a uniform resource locator over the global computer network. However, Lawlor makes this disclosure (i.e., After payment authorization is received from the bank (through the ATM interchange), the bill payment enters the central processor 52 from the terminal, and a series of log and transaction files are

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updated by the POS and bill payer modules. The payee/vendor information file is accessed to determine his status, electronic or paper payment, the appropriate address is obtained from the address verification file and particular payment information is obtained from the payments descriptor file. If the payment is scheduled for today, it is routed to the appropriate exchange (ACH) or routed to other direct electronic transmitted or remittance tape for delivery to the payee. Provisions are also made to aggregate and time payments (from multiple terminal users) to a single payee. If the payment cannot be made by electronic means, a paper check must be cut and mailed. In cases where multiple payments can be made to a single payee, a (single) "check and list" (of payor information) is forwarded. A reference number is created for each electronic or paper payment (this reference number is used for terminal user and payee servicing, see col.33 lines 50-67, see col.34 lines 5-65, also see col.53 lines 1-50). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Treyz, Linehan and Lawlor for immediate settlement of financial transactions that transpire between the payor and the merchant.

4. **Claims 16-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view Linehan, as applied to claim 1 supra, further in view of Foth (US PAT: 6,941,286).

Re claims 16-20. Neither Treyz nor Linehan discloses, further comprising a merchant refund terminal on the global computer network, wherein the merchant entering into the refund terminal a refund record, including at-least the payment transaction reference

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from a previous payment transaction, the merchant identification, a refund authorizing password, a refund amount, and sending the refund record to the central system.

However, Foth discloses further comprising a merchant refund terminal (i.e., post office) on the global computer network (see fig.1), wherein the merchant entering into the refund terminal a refund record, including at-least the payment transaction reference from a previous payment transaction, the merchant identification, a refund authorizing password, a refund amount, and sending the refund record to the central system. (see fig.3, also see col.4 line 22-col.5 line 50, also see the summary of the invention). Thus it would have been obvious to one of ordinary skill in the art to combine Treyz, Linehan and Foth in order to facilitate a refund for a disputed transaction between trading parties.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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